

REMARKS/ARGUMENTS

Claims 1-26 are pending in the application. In the Office Action, claims 1-26 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0224730 to Muszynski (Muszynski).

Independent claim 1 recites the limitation of discontinuing the monitoring of the neighboring cell if a desired service capability fails to match the service capability of the neighboring cell or if the load condition fails to meet a predetermined load condition. Applicants submit that Muszynski does not describe such a feature.

In Muszynski, a method is disclosed in which a first downlink (DL) carrier is selected for use by a mobile, and a second DL carrier is selected for subsequent use by the mobile (paragraph [0006]). The selection of the second DL carrier over the first DL carrier is based on several factors, such as current load conditions on and the type of services supported by the first and second DL carriers (paragraph [0007]). At no time, however, does Muszynski discuss the discontinuation of the monitoring of the carriers in view of service capabilities, load conditions or any other factor.

The process of selectively discontinuing monitoring of neighbor cells results in improved power management at the mobile device, as the device does not have to monitor neighbor cells that are heavily loaded or cannot support a desired service. Such a power saving feature is not a concern when a network node is used to determine when to switch a mobile station from one carrier to another, as is the case described in Muszynski (see paragraph [0026]).

In view of the above, Applicants submit that the above claims are patentable over the prior art. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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